

REMARKS

Applicant thanks the Examiner for careful examination of this application, and for the helpful suggestions regarding editorial and grammatical errors contained in the application.

By the foregoing amendments, claims 1 - 43 are now pending in this application. No claims have been cancelled. Claims 7, 8, 10, 11, 13, 17, 19, 23, and 35 are amended above, and claims 41 - 43 are newly added.

The Official Action objected to the specification and Claims 7, 8 and 23 because they contain the term "equalising". Accordingly, Applicant has amended the specification and Claims 7, 8 and 23 to replace the term "equalising" with the term "equalizing". Support is inherent in the original specification because the amendments merely change the variant of the spelling.

Also, claim 35 was objected to because Claim 24 was inadvertently included, as a second sentence, after the recitation of Claim 35. To correct this matter, Applicant has deleted the second sentence of Claim 35. Support is also inherent for this correction. See page 1400-68 of the M.P.E.P., wherein "Amendment of New Claims" is discussed.

The Official Action rejected various claims under 35 U.S.C. §112. Claims 10, 11, 13, 17 and 19 were rejected because they contain the phrase "or the like" and/or "such as". Accordingly, Applicant has amended claims 10, 11, 13, 17 and 19 to remove such phrases. Support for such amendments is also inherent.

Also, the phrases noted above, "such as" and "or the like", possibly caused Claims 10, 11, 13, 17, and 19 to recite certain aspects of the claimed elements in the alternative. Thus, Applicant has deleted potentially alternative aspects from Claims 10, 11, 13, 17, and 19, and included these aspects of the invention in new Claims 41-43 respectively. Thus, new Claims 41-43 do not extend beyond the original scope of the claims and do not require further searching by the Examiner. Such new claims are supported by the original claims. See also the original patent, col. 6, lines 64-65, for claim 41; col. 9, lines 42-47, for claim 42; and col. 9, lines 42-47, for claim 43.

Claims 1-3, 5, 10-11, 13, 16-17, 19-27, 29-31, 33-38 and 40 were rejected for non-statutory double patenting over United States Patent Number 6,516,579 to *Pervan*. To overcome this rejection, Applicant submitted a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c) on January 8, 2004.

The Examiner may recall that at the time of the submission of claims 21-23, claim 1 (and the dependent claims based on claim 1) had been allowed over the references of record, one of which was Trotter (US 4,819,932). Based on the Examiner's statement of reasons for allowance of claim 1, the applicant understood that the allowance of claim 1 was not based on the presence of the "play" limitation in claim 1.¹ Since the "play" limitation of claim 1 did not appear to be a basis for the Examiner's allowance of that

¹ Applicant notes that Trotter uses the term "play" at Col. 4, lines 19-23. However, claim 1 contains a limitation calling for different kind of play as compared to the play in Trotter. The "play" in claim 1 is in a different location and serves a different purpose than the play disclosed in Trotter.

claim, the Applicant submitted claims 21-23 without any play limitation, believing that such claims would also be patentable over Trotter.

Thus, the limitation calling for play which appears in claim 1 was deliberately eliminated from claims 21-23. It is Applicant's intention to eliminate any ambiguity or question regarding claims 21-23 with respect to the absence of a play limitation. Therefore, the Applicant understands that the patentability of claims 21-23 is being confirmed in this reissue/reexamination on the basis that those claims claim do not require play. If the Examiner's understanding of the scope of claims 21-23 as confirmed in this application is different from the applicant's intended scope, i.e., as not including a limitation calling for play, Applicant requests that the Examiner so indicate in her reasons for allowance or otherwise.

Applicant believes the application as amended is in form for allowance, and therefore respectfully request that the application be allowed in a timely manner. Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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Date: October 4, 2004

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